

REMARKS

In response to the Office Action of December 15, 2005, Applicant asks that all claims be allowed in view of the amendment to the claims and the following remarks. Claims 1-33 are pending, of which claims 1, 19, and 31 are independent. In this response, claims 1, 19, and 31 have been amended. New claims 32 and 33 have been added. Support for the amendments and added claims is found at, for example, pages 3, 9-11 of the specification and Figs. 2 and 3. No new matter has been introduced.

Adatia Rejection

Claims 1, 4-8, 11-12, 14-20, 23-24, and 26-31 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Adatia et al. (U.S. Patent Publication No. 2003/0112262). Applicant has amended the claims to obviate the § 102(e) rejection.

Claim 1 recites a method of enabling access to electronic media. A first track of electronic media is accessed from a source. A rule set is accessed from the source, the rule set being configured to respond to an arising condition based on whether the arising condition is met after the first track of electronic media is being accessed. The rule set includes an event definition describing an event condition to be monitored during a current media state. The rule set also includes an event transition that relates the event definition to a new media state to enable the new media state to be realized upon detecting the event condition described with respect to the event definition. The occurrence of an event condition described with respect to the event definition in the rule set is detected, and the event transition is performed in response to detecting occurrence of the event condition.

With respect to claim 1, Applicant respectfully requests reconsideration and withdrawal of the anticipation rejection because Adatia fails to describe at least “from the source, accessing a rule set, the rule set being configured to respond to an arising condition based on whether the arising condition is met after the first track of electronic media has been accessed.”

As noted in the Office Action, Adatia is directed towards a media player (see Office Action of Dec. 15, 2005 at page 2, lines 15-16) that runs as an application on a computer. See

Adatia at paragraph 0028 and Fig.1 (showing Adatia's audio player with its user interface). The interface for the audio player includes an software emulation of physical controls, such as a play button, a pause button, and a track forward button. See Adatia at paragraph 0031. These controls "are operated by the user by clicking on them with a mouse and manipulating them." See Adatia at paragraphs 0030-0031. The hardware-like controls allow the audio player's user to manipulate the song being played in a defined manner. For example, when the play button on Adatia's interface is clicked with the mouse, "the player will begin to play the currently selected song." See Adatia at paragraph 0030. Clearly, "from the source, accessing a rule set, the rule set being configured to respond to an arising condition based on whether the arising condition is met after the first track of electronic media has been accessed" is not met by the above-discussed controls because Adatia's rule set for hardware-like controls are resident to the player, and are not accessed from the source used to access a first track of electronic media.

Adatia's description of a media player with plug-ins also fails to describe accessing the rule set from the source. Similar to Adatia's emulation of physical controls, Adatia's plug-ins describe a predefined configuration for the media player. See Adatia at paragraph 0052 and Appendix, pages 22-23. Put differently, even as modified with plug-ins, Adatia's rule sets still are tied to the media player itself. No portion of Adatia describes accessing a source for content and also accessing the source for a rule set. Instead, Adatia's media player provides the rule set, even when modified with plugins. For these reasons, Adatia does not describe "accessing a first track of electronic media from a source" and then "from the source, accessing a rule set" Accordingly, the rejection of claim 1 and its dependent claims should be withdrawn.

The significance of these distinctions is important in a variety of contexts. For example, a content provider may wish to impose different rules depending on whether the first track of electronic media has licensing restrictions. The restrictions might prohibit the user from playing the same track more than once in a particular time period, and the content provider may have different licensing restrictions for different tracks of electronic media. As such, a content provider may distribute a rule set to a user requesting a song (or Internet Radio Station) that

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supports the required licensing restriction. In contrast, Adatia's rule set is predefined with respect to the media player and its plug-ins.

Independent claims 19 and 31 recite limitations similar to those discussed above with respect to claim 1. As such, the rejection of these claims, as well as their dependent claims, should be withdrawn for the reasons provided above.

Furthermore, like Adatia, the FAQs: Winamp and Hirai et al. (U.S. Patent No. 6,951,030) also fail to describe "accessing a rule set from a source of the first track of electronic media, the rule set being configured to respond to an arising condition based on whether the arising condition occurs while the first track of electronic media is being accessed." Accordingly, the rejections based on these references also should be withdrawn.

Applicant submits that all claims are in condition for allowance. Enclosed is a \$100 check for excess claim fees. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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